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Revised at 16/2/57

1951

Karnatak

B Class

File No. R/141

Part XXVIII

R141BC

DEPARTMENT

B BRANCH

Subject:— Administration of properties of evacuees leaving for Pakistan

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Previous papers in file R141 part XXVII

Subsequent papers in file R141 part XXIX

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B Dept
23/3/57

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Karnatak

File No. R/141 Part XXVIII B Class

Std. Sectt. Slip. 94 A

Copy of a letter No.32(1)/51-Prop., dated the 29th October, 1951, from the Government of India, Ministry of Rehabilitation, New Delhi.

Subject:- Application of the Evacuee Property Law to foreigners-difficulties of certain Iranian & Afghan nationals in the matter of sale of their property.

I am directed to invite attention to the Government of India, Ministry of Rehabilitation letter No.14(109)/Cus/49, dated the 30th January, 1950, in which it was indicated that ordinarily proceedings under the Evacuee Property Law should be instituted against foreigners only if;

1) the foreigner concerned has taken advantage of allotment or illegal occupation of non-muslim evacuee property in Pakistan; or

ii) if the foreigner has used his foreign nationality as a cover for defeating the purposes of the Administration of Evacuee Property Act, 1950.

2. While considerable relaxations were made in favour of foreigners in this manner, representations have been received on behalf of certain Iranian and Afghan nationals to the effect that they are finding it difficult to dispose of their property in India by sale, for the reason that the intending purchasers are not sure that at some future date the Iranian or Afghan nationals concerned will not be declared evacuees, and the transfer of their property be deemed to be invalid under section 40 of the Administration of Evacuee Property Act, 1950, unless confirmed by the Custodian. This question has recieved further consideration of the Government of India and it is felt that steps should be taken to mitigate the hardship of bona-fide Iranian and Afghan nationals, provided the conditions (i) and (ii) mentioned in paragraph 1 above are fulfilled. The nationality position of persons of Iranian and Afghan origin especially when they have been resident in this country for long periods, needs investigation before it can actually be determined that they are nationals of the two foreign countries. For this purpose, the following criteria are suggested for determining the Iranian or Afghan nationality of the persons concerned:-

1) Where an Iranian or an Afghan had arrived in India before 1943 and has continued to reside here without break, he should be required to produce his Registration Certificate in addition to his Passport to establish that he is an Iranian or Afghan national.

2) Where an Iranian or an Afghan has arrived in India after 1943, or having arrived earlier, left the country (even for a short period), but re-entered after 1943, he should be in possession of a Registration Certificate, a Passport, and a residential permit specifying the period of stay in India.

3) As it is possible that some of these persons may have acquired Indian Citizenship under article 5 of the Constitution and may suppress this fact when they appear before Custodians, it is desirable that they

should

Below a copy of letter No.32(1)/51-Prop, dated the 29th October 1951, from the Government of India, Ministry of Rehabilitation.

No.R.141/41359-B.
Rehabilitation Department
Civil Secretariat Annexe, Mayo Road, Fort
Bombay 1, 25th November 1951.

Forwarded with compliments to:-

The Custodian of Evacuee Property, Bombay,
The Deputy Custodian of Evacuee Property, Bombay
All other Collectors and Deputy Custodians of Evacuee Property
The Revenue Deptt.
The Inspector General of Registration, State of Bombay, Poona.

In continuation of this Department Endorsement-No.R.141/13558-B dt. the 8th April 1950.

By order of the Governor of Bombay,

Sd.
(J.C.FERNANDEZ)
For Secretary to the Govt. of Bombay
Rehabilitation Department.

should also be asked to produce, in additional, a certificate to the effect that they ~~have~~ have not acquired Indian Citizenship under Article 5 of the Constitution. The Ministry of Home Affairs are separately issuing instructions with regard to the procedure for the issue by State Governments of certificates of this nature.

3. It is felt [illegible] Iranian and Afghan nationals will be removed considerably, if, at the time of an intended transfer of property, such an Iranian or Afghan national is able to obtain a certificate from the Custodian of Evacuee Property concerned, that the custodian will not withhold confirmation of the transfer of property under section 40 at a subsequent date. Custodians, should, therefore, be required to entertain applications, ~~a fortnight ahead~~ first for prior approval in this manner. On receipt of applications, a Custodian should, first of all, check the bona-fide of the Iranian or Afghan nationals as indicated in paragraph 2 above. Thereafter, he should investigate whether the conditions mentioned in (i) and (ii) of para 1 above are attracted in the case. After he has satisfied himself in all respects, the Custodian may issue a certificate to the effect that he will have no objection to confirming the sale of property of the Iranian or an Afghan national under section 40 of the Administration of Evacuee Property Act. On receipt of such a certificate, Registrars should also raise no objection to the registration of the property in question for the reason that the registration is otherwise in contravention of the Administration of Evacuee Property, Act, 1950.

4. I am to request that necessary instructions may please be issued to all concerned. A copy of this letter is being forwarded to all Custodians of evacuee property.

hss.12/6

Below copy of the letter No.II(163-Q)/50-IDC, dated the 7th August 1951, from the officer on Special Duty, Government of India, Ministry of Rehabilitation and its accompaniments.

IMMEDIATE.

NO.R.141/30656-B.
Rehabilitation Department,
fourth floor, Mercantile Bank Bldg.
Mahatma Gandhi Road, Fort, Bombay(1), 27th Aug.51.

Forwarded with compliments to:-

All collectors and Deputy Custodians of
Evacuee Property,

The Deputy Custodian of Evacuee Property, Bombay, for supplying the requisite information in the prescribed form to the Custodian of Evacuee property, Bombay. within one week.

Copy forwarded with compliments to the Custodian of Evacuee Property, for information and guidance. The information received from the Collectors and the Deputy Custodian of Evacuee Property, Bombay should be consolidated and forwarded to this Department for onward transmission to the Government of India.

By order of the Governor of Bombay,

Sd/-
(J.C.FERNANDEZ).
For Secretary to the Government of Bombay,
Rehabilitation Department.

108.13/6

Copy of letter No?II(163-Q)/50-IDC, dated the 7th August, 1951, from the Officer on Special Duty, the Government of India, Ministry of Rehabilitation, New Delhi.

Subject:- Property of evacuees under Court of Wards in India and Pakistan.

I am directed to state that, as the State Governments are perhaps aware, no agreement has yet been arrived at with the Government of Pakistan regarding the settlement of the question of property of Court of Wards, Where the wards have become evacuees. A small measure of agreement was arrived at in December 1948 with the Government of Pakistan, according to which pending the consideration of the overall question it was decided to continue payment of suitable monthly allowances to evacuee wards. Even this small agreement has not been implemented by the Government of Pakistan since 1949 and the Government of India were, thereupon, compelled to take reciprocal action to stop monthly allowances to evacuee wards in Pakistan. The question of Court of Wards property of evacuees was again taken up in June 1950. Conference with Pakistan, wherein it was agreed to make arrangements for the transfer of movable property of Court of Wards as it stood on the 15th August, 1947. The question of monthly allowances to wards was again deferred for further consideration. Recently the Government of India moved the Government of Pakistan, that pending a settlement on the immovable property question, the monthly allowances to wards may be resumed again, but the Government of Pakistan have not seen their way to agree to this proposal.

2. In the circumstances, the Government of India have to consider in what way relief can be given to the unfortunate evacuee wards. For this purpose, the Government of India would like to obtain an idea of the size of the problem. A press Note is being issued as per copy attached, inviting claims from non-Muslim evacuee wards who have evacuated from Pakistan. The size of the problem in Pakistan. Similarly, the Government of India would like to assess the size of the property left by evacuee wards who have migrated from India to Pakistan.

Claims received in this press note will indicate

3. I am accordingly to request that, if the State Government see no objection, they may kindly arrange to send information to the Governmentof India regarding Court of Wards property of evacuees, in so far as they are concerned, in the form annexed to this letter. It is requested that the requisite information may be made available to the Government of India by the 31st August 1951 and theauthorities concerned may be given necessary directions to ensure its completion within this date.

P R E S S N O T E.

The Government of India have been receiving representations from displaced persons whose property was under the control of Court of Wards in Pakistan and who are not obtaining any income from this property, for the grant of relief to them. The Government of India have been negotiating with the Government of India on the settlement of the qestion of Courts of Wards property and it will help the Government of India considerably in assessing the size of the problem and finding a solution if full details of all cases of refugee wards are known to them.

2. It is, therefore, requested that all persons, who left property in West Pakistan under the control of Courts of Wards, may communicate to Shri Manmohan Kishan, Assistant Secretary to the Government of India, Ministry of Rehabilitation, New Delhi, by 31st August, 1951, brief particulars of the type of property left behind, annual rental income accruing from that property ~~left behind~~, ~~annual~~ ~~rental~~ income at the time of partition, the approximate value of the property as in 1946, the allotment of land in lieu, if any, received in India and the monthly allowance received by the ward up to the time of partition. The month up to which the ward has received an allowance from Pakistan may also be indicated.

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hss.13/6

Copy of letter No.40(4)/51-Prop, dated the 19th September 1951, from the Government of India, Ministry of Rehabilitation, New Delhi.

Subject:- Sale proceeds of unidentified evacuee movable property.

I am directed to invite the attention of the State Governments to Rule 40 of the Administration of Evacuee Property(Central) Rules, 1950, which provides that sale proceeds and other receipts of unidentified evacuee movable property, after deducting administration charges and Custodians fee, shall be deposited into the Treasury in favour of the Deputy Accountant General, Food & Rehabilitation, New Delhi, for credit under a distinct suspense head "Sale proceeds of unidentified evacuee movable property" subordinate to section P - Deposits and Advances, Part IV suspense.

2. I am to request that it may kindly be confirmed that sale proceeds of other receipts of unidentified evacuee movable property are being credited in accordance with the provision of that rule. It may also be ensured that when such receipts are deposited into a Treasury for credit to Deputy Accountant General (Food & Rehabilitation) New Delhi, a copy of the chalan is sent to that officer in advance to enable him to watch the credit.

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No.R.141/39732-B.
Rehabilitation Department,
Civil Secretariat Annexe,
Mayo Road, Fort, Bombay(1) 26th November 1951.

Forwarded with compliments to:-

The Custodian of Evacuee Property, Bombay,
The Additional Custodian of Evacuee Property, Bombay,
The Deputy Custodian of Evacuee Property, Bombay,
All other Collectors and Deputy Custodians of Evacuee Property,

for information and guidance.

By order of the Governor of Bombay,

Sd/-
(J.C.FERNANDES).
For Secretary to the Govt. of Bombay,
Rehabilitation Department.

hse.13/6